DEV **(1952) Department.**

MS **SERIES.**

G.O. No. 405

Dated 12-2-52

[Despatch Abstract.]

Tax - The Madras General Sales Tax Act, 1939 - Levy of Sales Tax on Newspapers - Discontinuance from 1st Jan. 51 - Deletion of the term "Newspapers"

GOVERNMENT OF MADRAS
ABSTRACT.

**

Tax - The Madras General Sales Tax Act, 1939 - Levy of Sales tax on newspapers - Discontinuance from 1st January 1951 - Definition of the term "Newspapers".

REVENUE DEPARTMENT.

G.O.Ms.No.405. Dated: 12th February 1952.
Read the following:-

Reference from the Board of Revenue, No.A-168-A/51-1, dated 18th September 1951.
This Government's letter to the Government of India, dated the 27th September 1951, No.6789-N/51-5.
Letter from the Government of India, dated the 8th November 1951, No.D-10603-P/51.

ORDER:

A copy of the letter from the Government of India read above is forwarded to the Board of Revenue for information and guidance. The Board is requested to issue suitable instructions to the subordinate officers of the Commercial Taxes Department.

/By Order etc./

S.K. Chettur,
Secretary to Government.

To
The Board of Revenue(Commercial Taxes).

ENCLOSURES.
(1)

Letter from the Deputy Secretary to the Government of Madras, Revenue Department, to the Secretary to the Government of India, Ministry of Finance(Department of Economic Affairs), dated Fort St. George, the 27th September 1951, No.6789-N/51-5.

Tax - The Madras General Sales Tax Act, 1939 - Levy of Sales Tax on newspapers - Discontinuance consequent on Newspapers (Sales and Advertisements) Repeal Act, 1951 - Definition of term 'NewsPaper'.

I am directed to invite a reference to the provisions relating to the exemption from tax contained in the Newspapers (Sales and Advertisements) Repeal Act, 1951 (Central Act XXVIII of 1951) by which 'Newspapers' have been taken away from the purview of the Madras General Sales Tax Act, 1939. I am to state that the question has been raised in this State, as to what periodical works come within the term 'newspapers' and a doubt has been raised whether periodicals containing some news items can be classed as 'newspapers'. In this State besides daily newspapers, there are certain weelies, fortnightlies or monthlies such as "Ananda Vikatan", "My Magazine", "Bharati" and "Swatantra", etc., which are in the nature of magazines containing and besides short stories also public news and comments on public news.

It is contended that these magazines also come under the term 'Newspapers' since they contain also news items, and that as such they are outside the purview of the Madras General Sales Tax Act, 1939. This Government, however, consider that a daily newspaper cannot cease to be a newspaper simply because it contains the some short stores towards week-end and that similarly a weekly, fortnightly or monthly periodical cannot be deemed to be a newspaers simply because it contains news items also on a page or two. This Government are therefore of the view that the

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question whether or not a periodical publication is a newspaper will have to be decided with reference to the object and character of the publication based on the fact whether it is predominantly news-giving or otherwise. I am to request that the Government of India may be pleased to clarify the term 'Newspapers' occurring in section 2 of Act XXVIII of 1951, so that a uniform interpretation may be adopted in all States.

(ii)

Copy of letter from the Deputy Secretary to the Government of India, Ministry of Finance(Department of Economic Affairs), to the Secretary to the Govennment of Madras, Revenue Department, dated New Delhi, the 8th November 1951, No.D.10603-P/51.

/Tax - The Madras General Sales Tax Act, 1939 - Levy of sales tax on newspapers - Discontinuance of consequent on the tax on Newspapers (Sales and Advertisements) Repeal Act, 1951 - Definition of term 'Newspaper"./

With reference to Mr. K. Subba Rao's letter No.6789-N/51-5, dated the 27th September 1951 on the above subject, I am directed to state that the term 'Newspaper' is commonly ascribed the following meaning:- "A printed, now usually daily or weekly, ~~pyb~~ publication containing news, advertisements, literary matter and other items of public interests". On this basis, the Government of India consider that the weekly, fortnightly or monthly periodcals of the nature mentioned by the State Government in their letter under reply would be covered by this meaning and classified as newspapers.

/True copy/

SUPERINTENDENT.
MADRAS RECORD OFFICE.

SS/23.8.